

Appl. No. : 10/824,679
Amendment Dated : March 9, 2005
Reply to Office Action of : December 29, 2004

Docket No. 112020.128 US2 (NAN-5CON)

Remarks

I. Summary of the Office Action

Claims 1-29 are pending in the above-identified application. Claims 1-29 stand rejected under the judicially created doctrine or obviousness-type double patenting as being unpatentable over claims 1-50 over U.S. Patent No. 6,784,028, and claims 17, 19, and 20 are objected to because of informality. With this response, a terminal disclaimer is submitted as attached to this communication, and claims 17, 19, and 20 have been amended to correct informality of language. No new matter is added by amendment. Reconsideration of the claims, in light of the remarks that follow, is requested.

II. Objection of the Claims

Claims 17, 19, and 20 are objected to due to informalities arising from the use of the term “nanotube fabric.” The instances of this term have been replaced with “non-woven nanotube fabric.” Applicants respectfully request that the objection be withdrawn.

III. Rejection of the Claims

Claims 1-29 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-50 of U.S. Patent No. 6,784,028. In response, the applicants are filing a terminal disclaimer to obviate the double-patenting rejection over U.S. Patent No. 6,784,028, which is attached to this communication. Applicants respectfully request that the rejection be withdrawn.

Appl. No. : 10/824,679
Amendment Dated : March 9, 2005
Reply to OfficeAction of : December 29, 2004

Docket No. 112020.128 US2 (NAN-5CON)


IV. Miscellaneous

It is submitted that the claims as amended, in view of the remarks provided herein, and accompanied by the terminal disclaimer, are in condition for allowance. A favorable Notice to this effect is respectfully requested.

A fee of \$65.00 is believed to be due in connection with the filing of this Disclaimer. The Commissioner is authorized to debit any necessary fee or credit any overpayment relating to the above-identified application to Deposit Account No. 08-0219.

Respectfully submitted,

Date: 3/9/2005



Peter M. Dichiaro
Reg. No. 38,005

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
Telephone (617) 526-6000
Facsimile (617) 526-5000